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REMARKS

Claims 1-24 are pending in the application. Claims 6-8 and 22 have been amended herein. Claims 1, 14, 19, 23 and 24 are independent.

New Title Required

Paragraph 3 of the Office Action required a new title that is "clearly indicative of the invention to which the claims are directed". While Applicants believe that the originally-submitted title is adequately descriptive, a new amended title is provided herein and withdrawal of the requirement for a new title is requested.

Claim Objections

Claims 6-8 and 22 were objected to for the specific reasons noted in paragraph 4 of the Office Action. Each of these claims has been carefully reviewed and amended as deemed necessary, and in accordance with the suggestions kindly provided in the Action. Withdrawal of the objection to the claims is accordingly respectfully requested.

Prior Art Rejections

Claims 14-16 were rejected under 35 USC 102(e) as being anticipated by US PGPUB 2003133692 (Hunter); Claims 17 and 8 were rejected under 35 USC 103(a) as being unpatentable over Hunter; Claims 1-13 and 19-24 were rejected as being unpatentable over Hunter in view of US Patent 5,768,581 (Cochran).

Each of the rejections is respectfully traversed and reconsideration is requested.

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Hunter is directed to a video distribution system that “blanket transmits video/audio content....to each customer's computer-based recording, storage and playback systems” [see para. [0002], and all independent claims]. In Hunter's system, “video/audio content is transmitted...to each customer's receiving dish or antenna which is linked to the customer's user station where it is stored on a DVD RAM disc in a multiple disc platter...the movies may then be played at any desired time by the consumer...” (para [0013]).

Hunter's system does not transmit based on any user-selections of time or price, but rather “blanket transmits thousands of movies for preselection and recording by customers”....new release movies...may be transmitted several times per day....with a second tier of popular movies transmitted less often...all in accordance with content listings and transmission schedules available to customers through their periodically updated electronic program guide” (para [0043]).

Independent Claim 14 recites a system that includes a processor configured to “process a plurality of purchase requests from a plurality of user computers from the network, each purchase request comprising a request to download at least one multimedia content file to a user computer at a user-selected time (emphasis added).

Again, Hunter does not teach or suggest a system in which a processor processes purchase requests that request the processor to download a content file to the user at a user-selected time. Rather, in Hunter's system content is ‘blanket transmitted’ according to a preset schedule (for example, “new release movies are transmitted every 30 minutes from 5:30pm to 8:30 pm” (para. [0099]).

Each of independent Claims 1 and 23 further recites that the processor (or “processing means” in Claim 23) “processes a plurality of purchase requests from a plurality of user computers from the network, each purchase request comprising a request to download at least one multimedia content file to a user computer at a user-selected time with a user-selected price (emphasis added). Independent Claims 19 and 24 are directed to a method of downloading at least one multimedia content file to a plurality of user computers via a communication network, and recites the steps of receiving a purchase request, to download a content file stored in a storage device, to the user computer at a user-selected time with a user-selected price and

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downloading the requested multimedia content file to a user computer at the user-selected time in response to the purchase request from the user computer.

The Action relies upon the alleged teachings of Hunter and Cochran in the Section 103(a) rejection of independent Claims 1, 19, 23 and 24. More specifically, the Action acknowledges that in Hunter's system, "files may be played at any time desired by the consumer, with the files being stored on the consumer system". The Action further acknowledges that Hunter "does not explicitly indicate a multimedia file being associated with a user-selected time and a user-selected price".

The Action then takes the position that Cochran, directed to a method for selecting records from a computer database by repeatedly displaying search terms from multiple list identifiers before either a list identifier or search term is selected.

The Action *concludes* that it would be obvious to one of ordinary skill in the art to incorporate the teachings of Cochran into those of Hunter "to make the system more efficient search of the file database and to make searching/requesting more accurate and user friendly".

Applicants respectfully traverse this rejection, and submit that neither Hunter, nor Cochran, separately or combined, teach or suggest a system for downloading at least one multimedia content file to a plurality of user computers via a communication network, in which the system includes a processor....configured to process a plurality of purchase requests from a plurality of user computers from the network, each purchase request comprising a request to download at least one multimedia content file to a user computer at a user-selected time with a user-selected price....and a timer coupled to the processor, the processor configured to use the timer to download at least one multimedia content file to a user computer at a user-selected time in response to a purchase request from the user computer.

Applicants can find no such teaching in Cochran as to the element acknowledged in the Office Action to not be taught by Hunter (and specifically request clarification in the next communication as to the alleged teachings found at "col 2, lines 26-29 and col 4, lines 15-25" of Cochran, cited in the first paragraph of page 7 of the Action).

For all of the foregoing reasons, it is respectfully submitted that Claims 1-24 are in condition for allowance. Should the Examiner be of the view that an interview would expedite

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consideration of this Amendment or of the application at large, request is made that the Examiner telephone the Applicants' attorney at (908) 518-7700 in order that any outstanding issues be resolved.

Respectfully submitted,


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